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CRIME AND THE CENSUS.

Questions concerning the general aspects of crime in a community usually turn upon considerations of its quantity or amount. The amount of crime is a popular standard of the morality of a people. The progress of a people in morality and the tendency to crime of the different elements of the population are frequently judged by the same measure. The expression, amount of crime, conveys, perhaps, to the popular mind a somewhat vague notion, but for the statistician it has acquired a technical signification. It means the comparison of the number of crimes committed in a given period with the numbers of the population. Such a ratio is necessarily imperfect and open to criticism. In comparing different countries it is properly objected that the standard of what constitutes crime varies. Within narrower limits, the objection is valid against comparisons in the amount of crime, at different periods in the same country. On the other hand, it has no force for the comparisons of different groups of population, living in the same country, and subject to the same laws.

It has been said that such ratios are always inadequate since they are based upon the crimes detected and determined, and do not, therefore, include those crimes which never come to the cognizance of the authorities, or for which the responsibility is never placed. If in any given instance there is a wide dissimilarity in the care and thoroughness with which the laws are administered, the argument may have some weight. In the great majority of cases in which a resort is had to statistics of crime, the objection may be disregarded. It may be assumed, that the number of cases undiscovered and unpunished maintains a more or less consistent relation to the total number of offences against the law. Unless this assumption, which is

akin to many which must be made in statistical practice, be accepted, the possibility of crime statistics vanishes. Nor can we close our eyes to the fact that, despite the objections which have been urged, figures in regard to crime and its frequency are in universal use. The statistical measurement of the facts of social life can never be absolutely accurate. If we should, therefore, reject the statistical method we should lose an insight into many problems of the gravest import for society and civilization.

With all its inherent imperfections, the amount of crime, or the ratio between the number of crimes which are punished in a given period and the population, is a measure of frequent use and of great importance. It is to be noted that we speak of the number of crimes and not of the number of offenders. It cannot be denied that the moral tone of a community which records ten offences a year by one individual, differs from that of one which records ten similar offences by ten distinct individuals. Yet, however desirable it might be to record the offenders rather than the offences, it is quite impracticable. As the amount of crime, thus understood, is the measure by which we estimate the criminal tendencies of different communities and of different groups within the same community, it is of the highest importance that its application should be thorough, systematic and reasonable. The appeal to statistics should always be final as to the facts. There may be wide differences of opinion as to the significance, economic or moral, to be attached to statements of fact, but the facts stated should be beyond question. The subject of crime is one to which the public is not, and can not be indifferent. If crime increase is it not proof of radical defects in our social organization? There is a vast amount of popular and scientific reasoning based upon the supposed tendencies to crime of our population as a whole and of its different elements. Our policy toward the negro and the immigrant, for instance, is often discussed upon the basis of their criminal tendencies.

These are questions not of scientific interest only, but of the gravest practical importance.

It is the purpose of this paper to examine the basis upon which such reasoning stands. We ask the questions: "Have we adequate means of knowing what are the criminal tendencies of the people of the United States? Do the existing statistical agencies furnish us a safe basis for the judgment of these questions?" Much depends upon the answer to these questions. If the basis is wrong, the conclusions which have been drawn, and the popular conceptions which have arisen from them, may be wrong also. They are not necessarily wrong even though the argument upon which they are commonly based is incorrect, but, if not wholly wrong, they are probably wrong in part, wrong in degree.

While in regard to crime, other sources of information exist, the United States census is the principal repository of facts. It is proper for us, therefore, to concern ourselves with the census and to ask whether it is adequate. If sources of information which have been considered to be secondary, should prove to have a more correct statistical basis than the census itself, it is obvious that their importance is increased. If further, the census is upon an unsatisfactory basis, it is open to improvement, and if we should succeed in demonstrating that it furnishes at present a defective basis for the study of crime in the United States, we may also point out methods by which greater accuracy might be attained.

Popular interest in the subject of crime in the United States attaches chiefly to the alleged increase in crime and to the greater criminality of the foreign-born and colored elements as compared with the native and white. We shall, therefore, examine the evidence of the census on these points.

The Christian preacher, the sociologist or the reformer who turns his attention to the moral condition of the people of the United States is haunted by the spectre of increasing

crime. The vision is not a pleasant one, and spurs his imagination of gloomy forecasts of the future. If an optimist, he does not abandon hope that the nation will surmount the danger, but if a pessimist, he finds in this contemplation a confirmation of his melancholy forebodings. But whether pessimist or optimist, he does not call into question the statement that crime is increasing. He points with conviction to the figures of the census as indisputable proof. To most persons an increase in crime is obvious from the following table:

TABLE I.—Number of Prisoners.

CENSUS YEARS.	Prisoners.	PRISONERS PER 1,000,000 POPULATION.				
		Number.	Later years compared with			
			1850.	1860.	1870.	1880.
1850 . .	6,737	290	100
1860 . .	19,086	607	206	100
1870 . .	32,901	853	294	144	100
1880 . .	58,609	1,169	403	193	137	100
1890 . .	82,329	1,315	453	217	154	113

In this table the first two columns are taken directly from the census volume. The increase in the relative number of prisoners is perhaps sufficiently recorded in the second column, but that it may appear in its exact proportions we have added columns which compare the later years with those which precede them. If 1850 be used as a basis, the relative number of prisoners in 1890 is 353 per cent greater. Each column shows plainly an increase in the number of prisoners reported at each succeeding census. It would seem clear that the table records an increase in crime. But it should be noted that in this latter statement there lies an assumption not expressly stated, namely, that the number of prisoners at a given epoch is indicative of the amount of crime at the same period. This assumption underlies much of the analysis of the present statistics which is to be found in the census volume. We shall examine later, whether the assumption which appears to be self-evident, is entirely

warranted. Accepting it for the present we may ask ourselves the simpler question, to what extent the figures indicate an increase in the number of prisoners.

The first question to be examined is whether prisoners have been reported at each census upon the same basis. The census analysis tells us that the figures prior to 1880 are not reliable, and that the printed figures cannot, therefore, be taken to represent the facts. In 1880 and 1890, the enumeration was made in a thoroughly systematic manner to include all prisoners. In 1870, as we are informed, the houses of correction were not reported, consequently the number falls short of what would have been given had the system in vogue in later years been used. Concerning 1860 and 1850, no statement is made in census volumes regarding the methods by which the figures were collected or the classes of institutions which they included. For most of our purposes, therefore, we must disregard these figures. We can, however, utilize the figures for 1870 for a comparison with later years by omitting from consideration in 1880 and 1890 the inmates of houses of correction. Thus modified we have the following table of prisoners exclusive of the inmates of houses of correction:

TABLE II.—Prisoners, Excluding Houses of Correction.

CENSUS YEARS.	Prisoners.	PRISONERS PER 1,000,000 POPULATION.	
		Number.	Compared with 1870.
1870	32,901	853	100
1880	50,754	1,012	119
1890	72,361	1,155	135

It will be seen from the foregoing table, that the per cent of increase in the twenty years from 1870 to 1890 is reduced by this correction from fifty-four to thirty-five. There is still so large a difference between the figures for 1870 and 1890, and those for 1850 and 1860, that it seems difficult to account for it solely through changes in the method of

obtaining figures. There are, in fact, other considerations which would explain a part of the increase observed. The Civil War wrought great changes in the population. The return to civil life, after a period of war, brought with it inevitably a disturbance of social relations which would be reflected in an increase in crime and thus in some degree influence the number of prisoners. But the most important change was the emancipation of the negroes. Three millions of blacks became full members of society. As slaves they were chattels, unable to commit crime. It is worthy of examination, whether a part of the increase of prisoners which has been recorded was not due to this factor. If such were the case, while problems of prison administration are not lessened, it is clear that the moral judgment which has been passed upon the increase of prisoners must certainly be modified. If the number of prisoners is an indication of morality it surely makes a difference whether this increase has occurred generally throughout the population or is due to the injection of a new element. The following tables give the number of prisoners in the South Atlantic and Southern Central sections where the negroes are an important element, distinct from the other sections of the United States, and a comparison of the relative results.

TABLE III.—Prisoners in Certain Sections.

CENSUS YEARS.	South Atlantic States.	Southern Central States.	All Other States.	United States.
Prisoners.				
1850	904	911	4,922	6,737
1860	827	2,023	16,236	19,086
1870	4,795	5,029	23,077	32,901
1880	7,927	11,147	39,535	58,609
1890	11,409	16,084	54,836	82,329
Prisoners per 1,000,000 Population.				
1850	193	212	346	290
1860	154	351	799	607
1870	819	782	913	853
1880	1,043	1,250	1,175	1,169
1890	1,288	1,466	1,286	1,315

TABLE IV.—Comparison of Relative Number of Prisoners.

	South Atlantic States.	Southern Central States.	All Other States.	United States.
Compared with 1850.				
1850	100	100	100	100
1860	81	166	231	206
1870	424	366	264	294
1880	541	590	340	403
1890	668	692	371	453
Compared with 1860.				
1860	100	100	100	100
1870	532	223	114	144
1880	677	356	147	193
1890	836	418	161	217
Compared with 1870.				
1870	100	100	100	100
1880	125	160	129	137
1890	157	187	149	154

From a consideration of these tables it is clearly apparent that the increase in the number of prisoners has been greater in the South than in the other sections of the country. If then, we consider the United States exclusive of the two southern sections, we find the rate of increase by our system of comparisons with preceding years, to be less than appears in the general figures. This comparison is, of course, subject to all the limitations which arise from differences in methods of enumeration. If the year 1870 be taken as a basis of comparison, and if, in the following years, the houses of correction be eliminated, we have the following table:

TABLE V.—Prisoners, Omitting Houses of Correction, in all States Except South Atlantic and Southern Central States.

CENSUS YEARS.	Prisoners.	Prisoners per 1,000,000 Population.	The same compared with 1870.
1870	23,077	913	100
1880	32,345	962	105
1890	45,886	1,072	117

The relative increase in prisoners, in the last twenty years, is seventeen per cent in the northern section of the United States, where the population is substantially the same now as it was in 1870. This is the only section for which, in our view, any judgment in regard to the moral condition of the people, based upon the number of prisoners, might be admissible. It is evident that the usual methods of calculation have unduly magnified the increase and have led to a severer moral judgment than the facts justify.

Our calculations of the relative number of prisoners, which correspond to those of the census, have been based upon the total number of prisoners, irrespective of whether they were awaiting trial, under sentence or confined for some other reason. There could be no objection to using the total number of prisoners for such calculations, if the ratio between those sentenced and those merely awaiting trial were always constant. Of this, however, we have no guarantee. In fact, an examination of the returns for 1880 and 1890 shows that a somewhat larger number of prisoners were not under sentence in 1890 than in 1880. If we compare the ratio of all prisoners to the population in 1880 and 1890 we have an increase of 12.5 per cent. If we consider alone those who were under sentence, we find in 1880, 52,394 prisoners, and in 1890, 72,209, or per million inhabitants, 1045 and 1155, or an increase of 10.5 per cent.

We may next inquire whether the figures of the census give us a sufficiently correct statement of the number of prisoners. The census records the number of prisoners who are found in the various places of detention on the census day. Thus, at intervals of ten years, we have a statement of the population of such institutions on a single day. If the figures have any value, it is obvious that they must stand for the average population of prisons at the period in question. The point has sometimes been raised that the returns for a single day could not be so regarded, that the number of prisoners was subject to variation from day to

day and that consequently the census might fall upon a time when the prison was full or when it was very empty. For those trained in statistical matters it is hardly necessary to answer such an objection. They are aware that such extreme cases tend to compensate each other, especially when distributed over a large area and including a large number of institutions. While this statement is based upon general conditions which are accepted by students of statistics, it has been thought best to make a concrete test. An examination has been made of the last obtainable reports of the larger institutions of the United States. In each case, where the report contains a statement of the average population, we have compared this with the population at the date of the report. In some cases it has also been possible to give the largest and smallest population for the period to which the report refers.

Table VI indicates the report of population, which is analogous to the population on the census day, expressed in terms of the average population. The largest percentage is found in Sioux Falls, S. D. This is due to the fact that the population of that prison is rapidly growing, which is also the case at Anamosa, Iowa. These institutions, located where population grows very rapidly, have a somewhat exceptional character. The next highest variation is to be found at Windsor, Vt., for reasons which do not appear on the surface. If we except these three institutions the range of variation observed is inconsiderable. While in some—perhaps the majority, since the prison population tends to increase—the report population is larger than the average, in others it falls below. Thus, in the sum total, the variations tend to compensate. If the final columns of the table be considered, it is clear that even the largest and the smallest populations do not differ widely from the average. If it were true that the largest population should agree on the same day for all the prisons, then the returns for a single day would be inadequate to represent the average. The

TABLE VI.—Fluctuation of Population in Penitentiaries.

State.	Designation.	Location.	Number of Years.	Ending.	Date.	Average Population.	Population at Date of Report.	Largest Population.	Smallest Population.	PER CENT OF AVERAGE POPULATION.		
										Report Population.	Largest Population.	Smallest Population.
Connecticut	S. P.	Wethersfield.	1	Sep. 30	1895	403.36	395	420	369	97.92	104.12	91.21
Idaho	S. P.	Boise City	1	Nov. 30	1894	101.5	109	109	94	107.39	107.39	92.61
Illinois	S. P.	Joliet	2	Sep. 30	"	1,448.42	1,468	1,524	1,354	101.35	105.86	93.48
Indiana	S. P.	Michigan City	1	Oct. 31	"	902	908	"	"	100.67	"	"
"	"	Jeffersonville	1	"	"	708.	779	"	"	108.76	"	"
Iowa	Pn.	Anamosa	2	June 30	1893	276.5	373	373	240	134.90	134.90	86.80
"	"	Ft. Madison	2	"	1895	429.	441	409	360	102.80	108.58	83.91
Kentucky	S. P.	Frankfort	1	Nov. 30	"	1,125.	1,104	1,157	1,082	97.13	102.84	96.27
Maine	S. P.	Thomaston	1	"	"	156.	151	164	146	96.79	105.13	93.59
Michigan	S. P.	Jackson	2	June 30	1894	818.6	856	861	771	104.57	105.18	94.19
Minnesota	S. P.	Stillwater	2	July 31	"	469.	502	"	"	107.04	"	"
Missouri	S. P.	Jefferson	2	Dec. 31	"	1,874.	2,178	"	"	116.22	"	"
New Jersey	S. P.	Trenton	1	Oct. 31	1895	982.	977	"	"	99.60	"	"
New Mexico	T. Pn.	Santa Fe.	1	Nov. 30	1894	136.25	142	156	113	104.22	114.49	82.94
New York	S. P.	Sing Sing	1	Sep. 30	"	1,329.	1,365	"	"	102.71	"	"
"	"	Auburn	1	"	"	1,449.	1,598	"	"	93.03	"	"
"	"	Clinton	1	"	"	1,048.3	1,031	"	"	98.54	"	"
North Dakota	S. P.	Bismarck	2	Oct. 31	"	83.5	74	"	"	88.62	"	"
Ohio	Pn.	Columbus	1	Dec. 31	1895	2,085.	1,985	2,204	1,938	95.20	105.71	92.95
Pennsylvania	Pn.	Philadelphia	1	"	"	1,391.	1,428	1,432	1,351	102.66	102.95	87.85
"	"	Allentown	1	"	1894	1,053.	1,109	1,171	983	110.07	111.21	93.35
Rhode Island	S. P.	Howard	1	"	"	147.6	155	"	"	105.08	"	"
South Carolina	Pn.	Columbia	1	Oct. 31	1894	1,042.	1,062	"	"	101.92	"	"
South Dakota	Pn.	Sioux Falls	2	June 30	"	79.86	117	118	56	146.51	147.76	70.12
Texas	Pns.	Huntsville, etc.	2	Oct. 31	"	3,891.	4,125	4,233	3,578	106.01	108.79	91.96
Vermont	S. P.	Windsor	2	June 30	"	164.	125	125	88	120.19	120.19	84.62
Virginia	Pn.	Richmond	1	Sep. 30	1895	1,548.	1,616	"	"	104.39	"	"
West Virginia	S. P.	Moundsville	1	"	1894	438.33	463	"	"	105.63	"	"
Wisconsin	S. P.	Waupun	1	"	"	669.	602	"	"	108.70	"	"

same would be true if the smallest population should agree on the same day. The probability of these contingencies is extremely remote. Had the reports been for the same period of time, we should have attempted to demonstrate this concretely, but the difference in report years renders this impracticable.

We have seen that the figures of the census give us the number of prisoners at each decade with sufficient accuracy, and from them we may calculate the relative increase in the number of prisoners. We may now approach the larger question, to what extent the number of prisoners is indicative of the amount of crime, remembering that the amount of crime has been defined as the ratio between the crimes of a given period and the number of population at the same time. It is clear that the number of prisoners at any time depends not only upon the number who have been sent to prison, but also upon the length of the sentences which have been imposed upon them. This is seen very clearly by an extreme case. If in the town A, a man is sent to prison every day, with a sentence of one year's imprisonment, the prison will, at the end of the year, contain 365 prisoners. If, now, in town B, a prisoner is received at the prison daily, with but the short sentence of a single day, there will be, at the end of the year, one prisoner. The number of offences has been the same, yet the population of the two prisons gives no clue to this fact. The case is an extreme one, but it illustrates the working of this factor. An illustration which is more within the range of probability will show the practical importance of the same principle. If in a given prison 100 convicts are received annually, with a uniform sentence of two years each, there will be in two years after the opening of the prison and in subsequent years 200 individuals in prison. If in another prison 100 prisoners are received annually, with a uniform sentence of three years, there will be at the end of the third year, and in all subsequent years, 300 prisoners in that prison. For our present

problem this may be of importance, for if the length of sentences increase the number of prisoners at a given date will increase without a proportional increase in the number of convicts received. Or if the length of sentences decrease, the number of prisoners at any given time may decrease without a corresponding decrease in the number of convictions.

It follows from these considerations that the report population does not represent the crimes of the year. Some of the convicts have been in prison more than one year, and were sentenced, therefore, in previous years. This is well illustrated by a concrete example. The following statement relating to the population of the Wisconsin State Prison, on the thirtieth of September, 1894, gives the dates at which the prisoners were received:

1861	I	1881	I
1862	I	1883	5
1867	I	1884	7
1868	I	1885	6
1870	I	1886	4
1871	I	1887	9
1872	3	1888	7
1874	4	1889	11
1875	I	1890	25
1876	3	1891	33
1877	I	1892	88
1878	I	1893	163
1879	I	1894	282
1880	I		
		Total	662

On the other hand, many prisoners sentenced to prison during the year to which the census relates will have received sentences of less than one year, and will already have been dismissed when the figures are taken. The population at a given date, therefore, includes some who belong to other years, and omits others who belong to the year immediately preceding the report.

It may, however, be argued that there is always a constant relation between the prison population and the crime of the year in question; that the ratio of long and short

sentences is practically unchanging. If such position as this be taken, it should not be left to inference, but should be distinctly proven. There are evidences in the census report that the position is not tenable. In 1890, the average sentences of those sentenced for definite terms was 3.88 years; in 1880, it was 4.14 years. This would seem to indicate a larger number of short term prisoners in 1890 than in 1880, and we find, in fact, that 29.13 per cent of the prisoners having definite sentences in 1890 received terms of less than one year, while in 1880, the corresponding figure was 26.91 per cent. It is by no means certain that one period will be the same as another in this respect. The laws made at one time may, at a later period, be administered with greater severity. The law itself does not remain unchanged. It is constantly creating new offences. It is probable that with the development of the criminal law and the greater severity with which it is administered, that minor offenders are much more numerous at the present time than they were formerly. If this be the case, calculations of relative crime based on the number of prisoners have little meaning.

It is our problem to discover, if possible, what is the value of the census returns for comparisons of the amount of crime at different periods, the amount of crime in different sections of the country and among different elements of the population. We can do this if we shall succeed in establishing any relation between the number of prisoners at a given time, and the number of offences committed in the preceding year. If it is impossible to establish such a relation, it will be impossible to make a judgment in regard to the amount of crime.

It has been seen that there is no necessary relation between the average number of prisoners and the amount of crime committed in the year to which the average refers. If the sentences be long, the number of prisoners will be large; if short, the number will be less. The average

population, therefore, is a function of two variables, the number of prisoners committed and the length of time for which they are committed. In our illustrations, we have spoken of a uniform sentence. Of course, such a sentence does not exist in fact. We might, in our illustrations, have spoken with equal propriety of the average sentence of the convicts of a year. The census reports, however, give us no material for computing such an average. We have, in the census documents, the average sentence of those in prison, but this is not satisfactory. In forming this average, the long term sentences have too great a weight. The difference between the two is shown in the following illustration:

	Sent to Prison. Annually.	Sentence.	Remaining in Prison.
Class A	10	1 year.	10
Class B	10	6 mos.	5
	<hr/>		<hr/>
Total	20	Av., 9 mos.	15

The average sentence of those sent to prison is nine months. Knowing this, we could calculate the number remaining, if the number sent were known, or if the number remaining were known we could calculate the number sent. The average sentence of those remaining is ten months. If, knowing this, we should confuse it with the former average, and attempt to calculate the number received, we would obtain as the result eighteen prisoners received, which is contrary to the facts. If, however, we know all the facts in the last two columns, we can obtain the right result. Of Class A there must have been received $10 \div 1 = 10$ and of Class B $5 \div 0.5 = 10$, or 20 in all.

With all these elements at our disposal, we could, from the number of persons in prison, calculate the number which was received annually. Of course, such a calculation proceeds upon the assumption that the total number of prisoners does not essentially vary, and that men are sentenced to prison for each term at a given yearly rate. For long sentences especially such a supposition is manifestly incorrect.

As the population grows the number of prisoners grows with it, and may indeed grow in excess of it. The number received at each rate of sentence is constantly growing. We know no method by which allowance can be made for such an increase. In applying the method before described to the returns of the census, we are quite conscious of the fact that it is only approximately correct.

As the sentences are given in detail in the census volumes, we may make a calculation for the United States. It applies only to those whose sentences are expressed in definite terms of years, months and days. It does not include all the persons sentenced to punishment for crime, since sentences to death, for life, to pay a fine, and those not definitely stated, among which are included the indeterminate sentences of reformatories, must be omitted. In the following calculation fractions of years are not given in detail. The small number sentenced for fractional parts of a year have been grouped in the first part of the calculation in half year periods, and in the quarter year periods for sentences of less than three years. The calculation relates to all persons sentenced for one year or over. The following table shows the method of calculation and the result:

TABLE VII.—Estimate of Commitments for Long Terms in 1890.

TERM OF SENTENCE. YEARS.	Prisoners Reported.	Calculated Number Committed.
20 and over	1,697	84.85
19.5	13	.66
19.	43	2.36
* * * * *	* * *	* * *
2.75	268	97.45
2.50	1,045	418.00
2.25	340	151.11
2.00	7,204	3,602.00
1.75	267	152.57
1.50	1,423	948.66
1.25	584	467.20
1.00	5,536	5,536.00
Total	45,115	15,294.90

In general, no allowance is made for the shortening of prison terms through good time laws, executive clemency or death. It did not, however, seem proper to neglect these factors for the longer terms, and sentences of over twenty years' duration were counted as of twenty years.

The marked difference between the results and those of the census is very striking. We have approximately 15,295 serious offenders for the year 1890. This is approximately the number of persons of this class committed in the census year, while of the 45,115 reported by the census many belong to other years.

The following table gives a similar calculation for the prisoners reported in 1890, with sentences of less than one year's duration:

TABLE VIII.—Estimate of Commitments for Short Terms in 1890.

MONTHS.	Expressed in Years.	Prisoners Reported.	Calculated Number Committed.
11	0.916	84	91.70
10	0.833	212	254.50
9	0.750	451	601.33
8	0.667	324	485.15
7	0.583	155	265.86
6	0.500	3,659	7,318.00
5	0.416	430	1,033.65
4	0.333	796	2,390.39
3	0.250	3,327	13,308.00
2	0.167	1,799	10,772.45
1	0.083	5,034	60,650.60
10 days	0.027	2,267	83,962.96
Total		18,538	181,134.59

If the former table decreased the number, this largely magnifies it. Combining the two it appears that in the census year ending June 1, 1890, there were approximately 196,429 sent to prison, while the number in prison having definite terms was 63,653. While the results of our calculation can make no claim to be more than an approximation, they show that the figure upon which the amount of crime should be calculated is quite different from that returned in the census.

To compare the census returns of 1880 and 1890 on this basis is impracticable. The report of 1880 does not give the sentences of less than one year's duration. For those of more than one year's duration it gives only by years omitting fractions. Reducing our figures for 1890 to the same basis, we have constructed the following table giving an estimate for 1880 and 1890:

TABLE IX.—Estimate of Commitments for Long Terms
in 1880 and 1890.

SENTENCES. YEARS.	1880. Prisoners.	1880. Calculated Number Committed in Year.	1890. Prisoners.	1890. Calculated Number Received in Year.
20 and over	1,052	52.60	1,697	84.85
19	26	1.36	56	2.94
18	137	7.61	198	11.00
17	62	3.64	84	4.94
16	65	4.06	113	7.06
15	657	43.80	945	63.00
14	153	10.92	264	18.85
13	89	6.84	149	11.46
12	337	28.08	573	47.75
11	77	7.00	148	13.45
10	2,316	231.60	3,236	23.60
9	206	22.88	358	39.77
8	653	81.62	982	122.75
7	1,291	184.42	1,597	228.14
6	1,021	170.16	1,360	226.66
5	5,112	1,022.42	7,372	1,474.40
4	2,355	588.75	3,385	846.25
3	5,026	1,675.33	5,931	1,977.00
2	6,028	3,014.00	8,857	4,428.50
1	3,647	3,647.00	7,810	7,810.00
Total	30,310	10,804.09	45,115	17,742.37

It seems that our result for 1890 is not the same as in a former calculation. The change in the grouping of sentences brings about the difference. In the last calculation all the sentences of one year and less than two are in the group one year, and so on throughout. It probably affects the calculation for 1880 in about the same way. The number of long term prisoners, according to the census

report, increased from 30,130 to 45,115, or 48.84 per cent. By our calculation, the number received increased from 10,804 to 17,742, or 64.20 per cent. The difference in the result is due to the relatively greater frequency in 1890 of the shorter terms, especially the one year sentences. What may have been the increase among minor offences it is impossible to surmise. Our calculations are far from establishing a correct basis for a calculation of the increase of crime from 1880 to 1890. They indicate, however, that prison population cannot be accepted as a satisfactory basis for such a calculation, and that we are wholly in the dark in regard to the exact movement of crime in the aggregate.

If the number of prisoners affords no accurate basis for a judgment in regard to the increase of crime, it may be equally deficient as a basis for other judgments commonly based upon the census figures. Statements in regard to the territorial distribution of crime rest upon the same basis. If sentences do not differ, no injustice is done to any section. But if in one section long sentences prevail, prisoners will be relatively more numerous than in another where short sentences are the rule. Dividing sentences into two groups, making one year the line, we find in the following table, the distribution of prisoners according to the census report in each section of the country:

TABLE X.—Prisoners Sentenced to Definite Terms, 1890, by Sections.

SECTIONS.	NUMBER OF PRISONERS SENTENCED.			PERCENTAGES.			Percentage of all Prisoners.
	One Year and Over.	Under One Year.	Total.	One Year and Over.	Under One Year.	Total.	
North Atlantic . . .	13,835	10,072	23,907	30.67	54.33	37.56	34.32
South Atlantic . . .	6,765	2,188	8,953	14.99	11.80	14.06	13.86
Northern Central . .	11,361	3,227	14,588	25.18	17.41	22.92	24.11
Southern Central . .	9,210	1,737	10,947	20.42	9.37	17.20	19.54
Western	3,944	1,314	5,258	8.74	7.09	8.26	8.17
United States	45,115	18,538	63,653	100.	100.	100.	100.

The final column of the table shows that the distribution of all prisoners does not materially differ from that of those having a definite sentence. The table shows a marked difference between the columns of sentences for one year and over and that for shorter sentences. In the latter, the preponderance of the North Atlantic states is more marked, while the shares of all the sections are less. This is notably the case in the Southern Central group. The percentages for all sentences approach more closely those for longer terms than for shorter terms. In the aggregate of crime, however, the minor offences are more numerous.

Pursuing the method of this paper we may arrive at an approximation of the number of commitments to prison in the census year. This is given in the following table:

TABLE XI.—Estimate of Number of Prisoners Committed 1890, by Sections.

SECTIONS.	NUMBER OF PRISONERS COMMITTED.			PERCENTAGES.		
	One Year and Over.	Under One Year.	Total.	One Year and Over.	Under One Year.	Total.
North Atlantic	5,909	93,427	99,336	33.31	48.17	46.93
South Atlantic	2,544	19,100	21,644	14.34	9.85	10.22
Northern Central . . .	4,648	43,995	48,643	26.19	22.68	22.98
Southern Central . . .	3,197	19,158	22,355	18.12	9.88	10.56
Western	1,444	18,261	19,705	8.14	9.42	9.31
United States	17,742	193,941	211,683	100.	100.	100.

In this table we have in the final column a distribution of all the prisoners, which differs considerably from that of the census report. If the calculation be correct it would appear that in the census statement the proportion of the North Atlantic section is too small, and Southern Central too large.

It will be noted that in this table the general percentages approach most closely those for sentences of short duration. As these far exceed the others in number, they must be of

greatest influence in determining the amount of crime in a community. We have refrained from making any ratios between our results and the population, as we are well aware of the tentative character of these results. They can only serve as an indication of where the census gives wrong notions, but cannot be a substitute for them.

Ratios of prisoners to population are used in discussing the criminal tendencies of different elements in the community. This is applied to males and females. The census shows 6405 female prisoners, or 7.78 per cent of the total number. But remembering that the length of sentences affects seriously the number of prisoners, and finding that for males the average sentence is 4.07 years and for females 1.59, we may suspect that the showing for females is more favorable than the facts warrant. We may summarize the census figures and the probable commitments calculated by methods already described in the following statement:

Prisoners with Definite Sentences.	Total.	Females.	Females, per cent.
One year and over	45,115	1,681	3.73
Under one year	18,538	3,154	17.01
Total	63,653	4,835	7.60
All prisoners	82,329	6,405	7.78
Estimated Commitments.			
One year and over	17,742	882	4.97
Under one year and over	193,941	33,117	17.08
Total	211,683	33,999	16.07

Since the amount of crime must be counted from the commitments rather than from the population, the percentage of 16.07 for females is more nearly correct than the 7.78 per cent of the census. It is moreover interesting to note that it accords more closely with the experience of foreign countries than the figures of the census.* The vaunted difference between the United States and European countries would appear to be a misapprehension.

The share of different elements of the population in the sum total of crime committed is a subject of frequent

*In Germany there were in 1885-90, twenty-one females for one hundred male criminals or approximately 17.4 per cent female.

comment and discussion. As in the preceding considerations in regard to crime, the census can here do justice to the different elements only on the supposition of a uniform distribution of sentences. If one class receive longer sentences than another, or commit classes of crimes for which longer sentences are given, it will appear unduly magnified in the census report. The following statement summarizes the facts of the census report, regarding sentences where a definite term has been imposed by the courts:

TABLE XII.—Sentences of the Prison Population in 1890, by Elements of the Population.

GROUPS.	Average Sentence, Years.	Prisoners with Definite Sentences.	Sentences of Under One Year.	Percent of Sentences Under One Year.
Total	3.88	63,653	18,538	29.13
Total white	3.46	44,856	14,688	32.74
Total native white	3.67	32,076	9,141	28.50
Native white, native parents	4.15	16,414	3,788	23.08
Native white, one parent foreign	3.53	2,364	638	26.99
Native white, foreign parents	2.96	10,375	3,861	37.21
Native white, parents unknown	3.57	2,923	854	29.22
Foreign-born white	2.97	12,434	5,425	43.63
White, nativity unknown	2.41	346	122	35.26
Total colored	4.87	18,797	3,850	20.48
Negroes	4.84	18,322	3,737	20.39

The variation in average sentences is quite considerable. The short term offenders really constitute the bulk of the total commitments of a year, but as we have seen do not exercise the greatest influence upon the census totals. If the short term sentences fall below the average, as in the case of the negroes, that element receives undue prominence in the census. If they rise above the average, as in the case of the foreign-born, that element has not its appropriate quota in the census figures.

For the principal elements of the population we may again calculate the approximate number of commitments in the census year. This is done in the following table:

TABLE XIII.—Prison Population in 1890 and Estimate of Commitments, by Elements of the Population.

GROUPS.	PRISONERS SENTENCED OR COMMITTED.			PERCENTAGES.			Percent of all Prisoners.
	One Year and Over.	Under One Year.	Total.	One Year and Over.	Under One Year.	Total.	
Sentenced.							
Native white . .	22,935	9,141	32,076	50.84	49.31	50.41	49.16
Foreign-born white	7,009	5,425	12,434	15.51	29.26	19.53	19.35
Negroes	14,585	3,737	18,322	32.55	20.16	28.78	29.49
Other elements,*	586	235	821	1.20	1.27	1.28	2.00
Total . . .	45,115	18,538	63,653	100.	100.	100.	100.
Committed.							
Native white . .	9,283	96,470	105,753	52.32	49.76	49.96	. . .
Foreign-born white	2,890	59,374	62,264	16.29	30.61	29.42	. . .
Negroes	5,445	35,036	40,481	30.69	18.06	19.12	. . .
Other elements,	124	3,061	3,185	.70	1.57	1.50	. . .
Total . . .	17,742	193,941	211,683	100.	100.	100.	. . .

If we compare the percentages for the prison population we see that the long sentences have the greatest weight in determining the average for all. In the probable commitments the contrary is the case. Our calculations do not affect the proportion of native white, but they reverse the positions of the negro and the foreign-born white. As our results are indications rather than exact measurements, we may again omit ratios to the population. Such ratios should, however, be calculated with the adult population and not with the general population.†

It may be further pointed out that the method employed in the census report gives an altogether incorrect idea of the relative frequency of different classes of crime. Homicide,

* Includes prisoners whose nativity is unknown, Chinese, Japanese and Indians.

† See the author's "Annual Statistics of Prisoners, 1890," or H. H. Hart, "Immigration and Crime," *American Journal of Sociology*, Vol. ii, p. 369, November, 1896.

which brings with it a long, usually life, sentence, is represented by a large number of persons whose crimes were committed oftentimes many years before the date of the census. The same would, of course, be true of burglary, or any other serious offence. On the other hand, minor offences, particularly those against the public peace, would, in the census year, be relatively much more numerous than the census would permit us to infer. We cannot measure exactly the influence of the length of sentences upon this factor, since the analysis of sentences by groups of crime is not so complete as by locality, sex and race. We can, moreover, consider only the general divisions of crime and not particular offences. Such information as the census affords is summarized in the following table:

TABLE XIV.—Sentences of Prison Population 1890, by Groups of Crime.

CRIMES AGAINST	Average Sentence, Years.	PRISONERS WITH SENTENCES.			PERCENTAGES.			Percent of all Prisoners.
		One Year and Over.	Under One Year.	Total.	One Year and Over.	Under One Year.	Total.	
Government . .	2.76	1,301	239	1,540	2.90	1.29	2.42	2.23
Society	0.76	2,857	11,237	14,094	6.33	60.61	22.14	22.91
Persons	7.77	9,552	1,782	11,334	21.17	9.61	17.81	20.99
Property . . .	3.85	28,155	4,571	32,726	62.40	24.66	51.41	45.80
Miscellaneous .	4.51	3,250	709	3,959	7.20	3.82	6.22	8.07
	3.88	45,115	18,538	63,653	100.	100.	100.	100.

A casual glance at the average sentences shows wide variations. Crimes against a person have sentences twice as long as the average, even when life sentences, by reason of their indefinite character, are omitted. On the other hand, crimes against society receive sentences which average about one-fifth as long as the average sentence. The effect of this is seen somewhat more clearly in the more detailed statements. It will be remembered that in forming the average, the long sentences have greater weight than the

short sentences, whereas, in the crimes committed in the given year the short term sentences far outweigh the more serious crimes. Among the shorter terms crimes against society constitute 60.60 per cent of the total, but as they are relatively infrequent among the longer sentences they do not, in the total, show a much larger percentage than crimes against the person. These crimes, which are relatively infrequent among the shorter sentences, are more numerous among the longer sentences and affect the total in exactly the opposite fashion. It must be considered that, as a picture of crime at a given time the census report paints the situation too darkly. Crimes against the person and against property are not in any given year nearly so numerous as the census would lead us to infer. It should be noted in passing that the difference in the percentages for prisoners with different sentences, and those in the last column, for all offenders vary chiefly by reason of life sentences, not included in the first but which in the second tend to concentrate on the crimes against the person and in the miscellaneous group, which includes double crimes.

It is not impossible that the census methods may, in a minor degree, affect a number of other considerations which are studied in connection with crime. We have no further detailed statement of sentences which permit us to examine into these relations. It is obvious, in regard to age, that a system which records the present population, some of whom have been in prison many years, will tend to give higher ages than if the count had been made at the time when the convicts entered the prison. On the other hand, it is to be noted that the class of prisoners who commit minor offences are apt to be on the average older than those who commit more serious crimes. If by counting the prisoners when they were committed this latter class appeared a larger number in the general result, than it does at present, it would tend to compensate the defect of the present method of statement of ages. We may summarize the results of our

examination of the census figures as follows: if the amount of crime means the ratio between the offences committed in a given year and the population at that time, the census volume fails to give us a correct idea of crime in the United States:

1. Because it furnishes no basis for a calculation of the increase of crime.

2. Because in depicting the geographical distribution of crimes, it favors one locality at the expense of another.

3. Because it exaggerates the number of the male sex in the aggregate of crime.

4. Because it assigns to the negroes a larger, and to the foreign-born white a smaller, share in the total of crime than belongs to each.

5. Because it distorts the picture of the relative frequency of different classes of crimes.

If the foregoing criticism be correct, something should be done to put our statistics of crime in such a shape that elaborate calculations will not be necessary in order to ascertain their true meaning. In European countries statistics of crime are based uniformly on the proceedings of criminal courts. While in the United States it might be difficult to establish them on such footing, there seems no valid reason why they should not be based upon the number of prisoners received in the course of the year. It is not to be doubted that this would greatly increase the work of the census office, and in view of the hundreds of prisons to which minor offenders are committed, would undoubtedly be a difficult undertaking. The present organization of the census office would be an additional hindrance. Constituted in haste for each census enumeration, it would be difficult for such an office to enter into relation with all of these jails for the period of one year preceding the census enumeration. It is, however, to be hoped that the present organization of the census will not continue, but that we shall soon see the establishment of a permanent bureau, adequately equipped

for a continuous statistical service. In such an event the difficulties of the present problem would be readily overcome. The work of preparing the blanks for census purposes would be carried on continuously throughout the year, the entries being made at the time when the prisoners were received. In all prisons such a record is kept, and the labor of transcribing it from day to day would not be great. It would be more than could be expected, however, to require a keeper of a county jail to make out at the end of the year, a detailed statement of the prisoners received during that year. In the larger cities this would involve preparing a record for from 10,000 to 30,000 prisoners, a task which would seriously interfere with the clerical work and orderly administration of the prisons. Moreover, it might be difficult, in many cases, to obtain all the facts which the census schedules would demand. The permanent census bureau would, therefore, make it possible, through continuous enumeration, to collect the figures which the necessities of the case demand.

We have thus far spoken of crime in the aggregate. Our discussion, however, has showed that minor crime differs in many particulars from more serious crime. In all our calculations the figures for prisoners having sentences for one year and over showed wide variations from those whose sentences were less than one year. This is not only true for the prison population, as reported by the census, but was, in a large measure, true also of the estimated number of commitments. If we take crime to be the aggregate of offences against the law, we find different characteristics prevailing from those which we find among prisoners who commit more serious crimes. It is with the latter class that the public is in general most interested. If it is impossible to secure accurate figures in regard to crime as a whole, it might be desirable to separate this group.

The consideration which has just been stated shows the possibility of much more accurate information in regard to

crime than we possess at the present time. If the census of 1900 were to adopt as a proper means of measuring crime the number of persons committed in the census year, it would, by confining its enumeration to those having sentences of at least one year, materially lighten its labors. By limiting the scope of the investigation there would be comparatively little difficulty in securing the data required. The prisons for serious offenders keep, as a rule, a more accurate system of records, while if anything in addition to these records were needed, it could be obtained by direct questioning of the individuals, who would all of them be in prison, except the small proportion who might have died or have been pardoned. Such limitation of the scope of the census investigation to prisoners sentenced for more serious crime would be much to be commended, in case the organization of the bureau remains as at present. In any event it would seem desirable, and it is also feasible, to establish a basis for measuring the increase of crime. This could be done by obtaining the facts for commitments in the year preceding the census of 1890 from the prison records. Such records would enable us to ascertain, at least, not only the number but also the chief social facts in regard to these prisoners. To effect such a radical change in methods is only warranted when there are conclusive grounds for believing the innovations to be more correct. We believe that such grounds have been amply demonstrated. The main objection to such innovation is that until the next succeeding enumeration take place, it destroys the possibility of comparison with the past. But by investigating the old records, as has been suggested, this difficulty would be in a large measure overcome.

In case the census office is established on a permanent basis it would seem that there could be no insurmountable difficulty in obtaining for the census year the number of prisoners committed to all of the prisons. Of course, it would not be possible to establish a basis of comparison with

the past, but we should have made a right start for the future. For the long term convicts such a basis could be obtained in the method already proposed. As there is a widespread and surely justified interest in this class of criminals it would scarcely tax the resources of a permanent census office to make a yearly report upon the subject. The number in 1890 was probably not over 17,000, and the collection of the material would be rendered easy through spreading the enumeration over the entire year and having the blanks prepared at the same time that the prison record is made. Should our statistics of crime be organized in this manner, we should be able to arrive at a more accurate judgment of the tendencies toward crime in the United States, and afford to all who are interested in the welfare of the country a safe basis for estimating the tendencies which are at work among the people.

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